

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

WILLIE ROBINSON, )  
Plaintiff, )  
v. ) No. 1:08CV97 HEA  
MISSOURI DEPARTMENT OF )  
TRANSPORTATION, et al., )  
Defendants. )

## **MEMORANDUM AND ORDER**

This matter is before the Court upon the application of Willie Robinson for leave to commence this action without payment of the required filing fee. *See* 28 U.S.C. § 1915(a).

The applicant has submitted a partially-completed financial affidavit CJA Form 23 in support of his application for in forma pauperis status [Doc. #3]. *See* Local Rule 2.05(A). The applicant states that he is employed, but he has failed to provide the amount he earns per month. As such, the Court is unable to determine, at this time, if the applicant is financially unable to pay any portion of the filing fee. *See* 28 U.S.C. § 1915(a), Local Rule 2.05(A).

In accordance with the foregoing,

**IT IS HEREBY ORDERED** that the Clerk of Court provide the applicant with CJA Form 23 (financial affidavit).

**IT IS FURTHER ORDERED** that the applicant shall have thirty (30) days from the date of this order to pay the statutory filing fee of \$350.00, or to submit a fully completed CJA Form 23 (financial affidavit).

**IT IS FURTHER ORDERED** that if the applicant fails to pay the filing fee or to submit a fully completed CJA Form 23 within thirty (30) days, the case shall be dismissed, without prejudice.

**IT IS FURTHER ORDERED** that if the applicant submits a fully completed CJA Form 23 within thirty (30) days, the Clerk of Court shall cause this case to be resubmitted to the undersigned for review under 28 U.S.C. § 1915(a), (d).<sup>1</sup>

Dated this 9th Day of July, 2008.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The Court notes that if plaintiff pays the filing fee, he will be responsible for serving the summons and the complaint upon the defendants. See Fed. R. Civ. P. 4(d). Service must be made within 120 days of the filing of the complaint (in the instant case, within 120 days of the payment of the filing fee). See Fed. R. Civ. P. 4(m). Plaintiff is advised that he may seek guidance on serving the defendants from the Office of the Clerk.